

REMARKS

With the entry of the present Amendment, claims 46-69 and 71-74 and 76 are in this application. Claim 75 has been canceled without prejudice, and those claims which had depended from claim 75 have now been amended to depend from claim 76. None of the amendments made herein constitutes the addition of new matter.

The Rejections Under Section 112, first paragraph

Claim 75 has been rejected as allegedly nonenabled and not in compliance with the written description requirement of Section 112, first paragraph, for a polypeptide which is encoded by a nucleic acid which hybridizes at high stringency conditions to the deposited plasmid. Applicants respectfully traverse this rejection.

Applicants respectfully note that the hybridization language was deleted from claim 75 in the previous Amendment. However, in the interest of advancing prosecution and without acquiescing to the rejection, Applicants have canceled claim 75 without prejudice.

Accordingly, Applicants respectfully request allowance of this application as amended.

Request for Rejoinder

Rejoinder of the withdrawn claims listed herein is respectfully requested. The withdrawn claims as currently amended are dependent on claim 76, which has been allowed, and thus are of the same scope as the allowed claim with respect to the protein. Furthermore, the claims are linked by the common technical feature, i.e., the polypeptide of claim 76. Applicants respectfully request the courtesy of action by telephone if the Examiner is not willing to rejoin these claims.

Conclusion

This application being in condition for allowance, passage to issuance is respectfully requested.

If there any remaining issues related to patentability or if any currently pending claims need to be amended or cancelled, the courtesy of a telephone interview is requested. The Examiner is invited to telephone the undersigned to arrange a mutually convenient time to discuss this application.

This Amendment is accompanied by a Petition for Extension of Time (three months) and payment of the necessary fee of \$1050.00 as required by 37 C.F.R. 1.17(a). It is believed that this amendment does not necessitate the payment of any additional fees under 37 C.F.R. 1.16-1.17. If this is incorrect, however, please charge any fees due under the foregoing Rules for this submission and/or for any extension of time required to Deposit Account No. 07-1969.

Respectfully submitted,

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Donna M. Ferber
Reg. No. 33,878

GREENLEE, WINNER AND SULLIVAN, P.C.
4875 Pearl East Circle, Suite 200
Boulder, CO 80301
Telephone (303) 499-8080
Facsimile: (303) 499-8089
Email: usptomail@greenwin.com